

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ELVIR MUHAREMOVIC, )  
                          )  
Plaintiff,            )  
                          )  
v.                     )       Case No. 4:07CV01427 RWS  
                          )  
MICHAEL JAROMIN,     )  
District Director, USCIS,     )  
                          )  
Defendant.            )

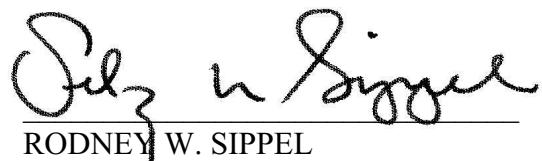
**MEMORANDUM AND ORDER**

This matter is before me on Defendant's Motion to Dismiss for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), or in the alternative for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) [#6]. Plaintiff did not file a response to the motion.

This case was originally assigned to United States Magistrate Judge David D. Noce. On February 19, 2008, Judge Noce issued his Order and Recommendation that Defendant's Motion to Dismiss [#6] be granted and that this action be dismissed without prejudice for lack of subject matter jurisdiction. On February 20, 2008, this case was reassigned from Judge Noce to me. Having reviewed Judge Noce's Recommendation, I will adopt and sustain Judge Noce's Recommendation and will grant Defendant's Motion to Dismiss [#6].

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss [#6] is **GRANTED**.



RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 20th day of February, 2008.